IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MFA.No. 39 of 2003()

OPMV.1144/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL
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APPELLANT: 1ST RESPONDENT

K.SHAJI KUMAR, H.NO.8/369,
SHEEJA BHAVAN, CHUMATTUTHANIVILA, POTHENCODE.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.PIRAPPANCODE V.SREEDHARAN NAIR

RESPONDENTS: APPLICANTS AND 2ND RESONDENT
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1. ALEYAMMA GEORGE, VALUPARAMBIL VEEDU,
NEERANAM WEST P.O., THIRUVALLA.

2. JIYO MATHEW (MINOR) VALUPARAMBIL VEEDU,
NEERANAM WEST P.O., THIRUVALLA.

3. TONY GEORGE (MINOR) VALUPARAMBIL VEEDU,
NEERANAM WEST P.O., THIRUVALLA.

4. THE MANAGER, THE NEW INDIA ASSURANCE
CO.LTD., GOVT.PRESS ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.VPK.PANICKER
SRI.J.HARIKUMAR
SRI.HARIKUMAR.S.

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.F.A. No.39 OF 2003

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

This appeal is preferred against the award of the Motor Claims Tribunal Attingal in O.P (MV) 1144/1997 . The appellant is the first respondent. The deceased was traveling as pillion rider in a bike and he died on account of the injuries sustained in the accident. As there was no valid insurance coverage and the Tribunal directed the appellant to give a compensation of Rs. 2,93,900/- It is against that decision the first respondent come up in appeal. We heard the counsel for the appellant as well as the counsel for the claimant. It is seen that the deceased was aged 38 at the time of his death. He was employed as an air travel Commission agent. Though he claimed his income at Rs. 3,500/- the Tribunal has fixed it as only Rs.1,800/- per month and after deducting for the personal expenses, applied by a multiplier of 16 and awarded the loss of dependency as Rs.2,30,400/-. The Tribunal has only awarded a very reasonable amount for transportation and extra nourishment cost of medicines and funeral expenses. The Tribunal awarded Rs.20,000/- for the pain and sufferings and Rs. 15,000/- each

for loss of consortium to the first petitioner and loss of love and affection to the children. It awarded 9% interest. We find that the amount awarded as compensation is only just and reasonable and does not call for any interference. But the Tribunal has awarded the interest at the rate of 9% . Considering the prevailing rate of interest on the bank advance at that time, we feel it just and proper to reduce the rate of interest from 9% to 7%. So the award of the Motor Accidents Claims Tribunal is confirmed with the modification that the rate of interest would be 7 percent instead of 9 percent. The accident had taken place in 1997 and so far no amount has been paid. . Therefore the appellant is directed to pay the amount within a period of three months from the date of receipt of a copy of this judgment, failing which the rate of interest would automatically get restored to 9 percent.

K.S.RADHAKRISHNAN JUDGE

M.N.KRISHNAN ,JUDGE

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